

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DENNIS L. HAMPTON,  
Plaintiff,

v.

CAROLYN W. COLVIN,  
Defendant.

Case No. [13-cv-04624-MEJ](#)

**ORDER RE PETITION FOR  
ATTORNEY FEES AND COSTS**

Re: Dkt. No. 18

Pending before the Court is Plaintiff Dennis L. Hampton's motion for fees and costs pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d), in connection with the Court's Order remanding the Commissioner's final decision for reconsideration. Dkt. No. 18. Defendant asserts that Plaintiff filed the motion prematurely because the Commissioner's time to appeal the Court's Order has not yet expired, and so the Court's judgment is not yet final for purposes of the EAJA. Opp'n, Dkt. No. 19 (citing 28 U.S.C. § 2412(d)(2)(G)). Plaintiff has not filed a reply. Accordingly, the Court shall hold Plaintiff's motion in abeyance until January 9, 2015, when judgment becomes final. Defendant shall respond to the merits of Plaintiff's motion for fees and costs by January 23, 2015. Plaintiff shall file any reply by January 30, 2015.

**IT IS SO ORDERED.**

Dated: December 8, 2014

  
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MARIA-ELENA JAMES  
United States Magistrate Judge